

Entered on Docket
August 23, 2019EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**FILED**
AUG 22 2019
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

Case No. 19-cv-05257-JD

PG&E CORPORATION

and

PACIFIC GAS AND ELECTRIC
COMPANY,**ORDER ADOPTING
RECOMMENDATION FOR
WITHDRAWAL OF REFERENCE OF
PROCEEDING IN PART; ORDER OF
ASSIGNMENT**

Debtors.

Bankr. Case No. 19-30088-DM

United States District Court
Northern District of California

Pursuant to 28 U.S.C. § 157(d), for good cause shown, the court adopts the recommendation of the Bankruptcy Judge to order the partial withdrawal of the reference of the Section 502(c) estimation of unliquidated claims arising from the Northern California wildfires. Because of the time sensitive nature of the claims, the Executive Committee has determined that this matter will be directly assigned to the Honorable James Donato. The Executive Committee further assigns Magistrate Judge Sallie Kim as the referral judge to assist Judge Donato as he determines is necessary.

Accordingly, IT IS HEREBY ORDERED that the reference to the bankruptcy court is withdrawn in part and that the following matters will be decided by United States District Judge James Donato:

1. Under 28 U.S.C. § 157(b)(3), what aspects of the unliquidated claims estimation are core proceedings and what aspects are non-core? In and of itself, that would appear to be a straight forward question the statute leaves to the Bankruptcy Judge. But because of the intersection of the issues

1 Judge Montali has outlined and the ramifications of the answers to the
2 questions presented, the assigned Article III judge should make the
3 decision.

4 2. Whether personal injury and wrongful death claims include or
5 exclude damages due to emotional distress (or any similar theory of
6 recovery).

7 3. The schedule for and method of the conduct of the estimation
8 proceedings.

9 4. The 11 U.S.C. 502(c) estimation of unliquidated personal injury and
10 wrongful death claims against Debtors for all purposes under 28 U.S.C.
11 § 157(b)(2).

12 The court adopts the recommendation of the Bankruptcy Judge in full and orders
13 withdrawal of the reference in part as set forth above. As recommended by Judge
14 Montali, the effective date of the partial withdrawal is DEFERRED until the assigned
15 Article III Judge orders the partial withdrawal to become effective for all purposes.

16 **IT IS SO ORDERED.**

17 Dated: August 22, 2019

18 On Behalf of the Executive Committee:

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22 PHYLLIS J. HAMILTON
23 Chief Judge
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